

Applicant : Timothy Farlow et al.
Serial No. : 10/815,021
Filed : March 30, 2004
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Attorney's Docket No.: 12579-0006001

Amendments to the drawings:

The attached replacement sheets of FIGS. 1-12 replace the original sheets.

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-12 are informal and/or illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The applicant is submitting formal drawings.

The disclosure is objected to because of the following informalities: A period needs to be added to the last sentence on page 2.

The specification has been amended.

Regarding claims 14, 16, and 33, "he" should be replaced with "the manager" to clarify, the claims and avoid gender bias.

Regarding claim 15, "the step" should be changed to "the *required* step" and "the portion" should be changed to "the portion of the information" to clarify the claim.

Regarding claim 16, in the last line of the claim, "the portion" should be changed to "the portion of the information" to clarify the claim.

Regarding claim 24, both instances of "the content" should be changed to "the authored content" to clarify the claim.

The claims have been amended.

Claims 21, 25-31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 21, "similar" is a relative term, which renders the claim indefinite. The term is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of examination, "similar" has been interpreted as having at least one commonality.

Regarding claims 25, 31, and 33, there are two instance of "an enterprise", and then at least one instance of "the enterprise". The claims should be amended to resolve this discrepancy. For purposes of examination, the second instance of "an enterprise" has been interpreted as "the enterprise".

The claims have been amended.

Claims 1-33 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

Regarding claims 1-33, the claimed inventions do not accomplish a practical application. The steps of storing, delivering, displaying, entering, and accumulating information may be interpreted as involving no more than a manipulation of an abstract idea. The claimed inventions lack concreteness as well as usefulness and tangibility. To

qualify as accomplishing a practical application, an invention must produce a "useful, concrete, and tangible result." See *State Street*, 149 F.3d at 13'73,47 USPQ2d at 1601-02.

Regarding claims 17, 23 and 31, A "medium bearing instructions to cause a machine to" does not fall into one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter). Software, programming, instructions or code not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in a computer. When such descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases. Furthermore, software, programming, instructions or code not claimed as being computer executable are not statutory because they are not capable of causing functional change in a computer. In contrast, when a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer and the program, and the computer is capable of executing the program, allowing the program's functionality to be realized, the program will be statutory. For purposes of examination, the claims have been interpreted as a properly claimed computer program product.

The claims have been amended.

Claims 1-8, 13, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Loofbourrow et al. (US 6,505,183 B1).

Regarding claim 1, Loofbourrow teaches a method (par. 24, lines 1-2) comprising:

storing information about policies or programs of an enterprise that -are to be implemented by a manager of the enterprise, the policies or programs being associated with events in the operation of the enterprise (col. 4, lines 47-57), and delivering for display to the manager on a user interface, a portion of the information that has been selected based on a current context in which the manager is working (col. 4, lines 58- 67, col. 5, lines 1-7).

Claim 1 has been amended to recite that the manager is enabled, through the user interface, to implement management tasks for events that are associated with the presented portion of information. Loofbourrow did not describe and would not have made obvious this feature.

The system described in Loofbourrow provides personalized answers to employee and manager questions by generating a webpage referencing relevant sections of a knowledge model repository and inserting information from an organization-specific information repository and human resource management system (see, e.g., Loofbourrow, abstract, col. 4, lines 58-65, and FIG. 3). Loofbourrow did not describe and would not have made obvious implementing management tasks for events associated with the portion of information presented on a user

interface, let alone enabling the manager to implement management tasks for events that are associated with the information by the user interface, as recited by claim 1.

Regarding claim 17, Loofbourrow teaches a medium bearing instructions to cause a machine (Fig. 1) to:

store information about policies or programs of an enterprise that are to be implemented by a manager of the enterprise, the policies or programs being associated with events in the operation of the enterprise (col. 4, lines 47-57), and

deliver for display to the manager on a user interface, a portion of the information that has been selected based on a current context in which the manager is working (col. 4, lines 58- 67, col. 5, lines 1-7).

Regarding claim 18, Loofbourrow teaches an apparatus (Figure 1) comprising: storage to hold information about policies or programs of an enterprise that are to be implemented by a manager of the enterprise, the policies or programs being associated with events in the operation of the enterprise (col. 4, lines 47-57), and a communication medium to deliver for display to the manager on a user interface, a portion of the information that has been selected based on a current context in which the manager is working (col. 4, lines 58-67, col. 5, lines 1-7).

Amended claims 17 and 18 are patentable for at least similar reasons to the ones discussed with respect to claim 1.

Claims 19-28 and 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Cunningham et al. (US 200710129953 A1).

Regarding claim 19, Cunningham teaches a method (par. 24, lines 1-2) comprising: enabling a user to author content about policies or programs of an enterprise that are to be implemented by a manager of the enterprise, the content being associated with events in the operation of the enterprise (par. 25,39), storing the authored content in a manner that enables delivery of the content for display to a manager on a user interface (par. 24, 3 I), and enabling a choice of which content will be delivered based on a current context in which the manager is working (par. 24).

Claim 19 has been amended to recite that a portion of the authored content is presentable to a manager who is currently working on one of the events associated with the portion of the authored content. This feature was not described and would not have been obvious from what was described in Cunningham.

Rather, Cunningham describes delivering flow objects through e-mails or portal-based notification to selected recipients when a triggering event takes place (see, e.g., Cunningham, paragraphs [0024], [0032], [0107], and [0112]). The triggering event can be a particular time of day, an update of business intelligence data store, a predefined polling interval, or the like (see, e.g., paragraph [0032]). The delivery can also be done periodically once a project has been activated (see, e.g., Id., paragraph [0093]). Cunningham's delivery of flow objects is

independent of the current action of the recipients associated with the flow objects. Cunningham did not disclose and would not have made obvious that a portion of the authored content is presentable to a manager who is currently working on one of the events associated with the portion of the authored content, as in claim 19.

Regarding claim 23, Cunningham teaches a medium bearing instructions to cause a machine (fig. 1) to:

enable a user to author content about policies or programs of an enterprise that are to be implemented by a manager of the enterprise, the content being associated with events in the operation of the enterprise (par 25, 39),

store the authored content in a manner that enables delivery of the content for display to a manager on a user interface (par. 24), and

enable a choice of which content will be delivered based on a current context in which the manager is working (par. 31).

Regarding claim 24, Cunningham teaches an apparatus (fig. 1) comprising: an authoring interface to enable a user (a) to author content about policies or programs of an enterprise that are to be implemented by a manager of the enterprise, the content being associated with events in the operation of the enterprise, (b) to store the authored content in a manner that enables delivery of the content for display to a manager on a user interface, and (c) to enable a choice of which content will be delivered based on a current context in which the manager is working (par. 24-26, 39).

Amended claims 23 and 24 are patentable for at least similar reasons to the ones discussed with respect to claim 19.

Regarding claim 25, Cunningham teaches a method (par. 24, lines 1-2) comprising accumulating information about usage by a manager within an enterprise of information about policies or programs of an enterprise that are to be implemented by the manager, the policies or programs being associated with events in the operation of the enterprise (par. 26), and making the usage information available to a compliance employee of the enterprise for analysis (par. 26).

Claim 25 has been amended to recite that analysis of the usage information is to derive a statistical measure of usage of particular information about the policies or programs. This feature was not described in and would not have been obvious from what was described in Cunningham.

Although Cunningham described recording user activity in response to received content or next steps to enable an organization to monitor how information is being used (see, e.g., Cunningham, abstract and paragraph [0088]), Cunningham did not describe and would not have made obvious doing analysis to derive a statistical measure of usage of particular information about the policies or programs.

Regarding claim 31, Cunningham teaches a medium bearing instructions to cause a machine (fig. 1) to:

accumulate information about usage by a manager of an enterprise of information about policies or programs of an enterprise that are to be implemented by the manager, the policies or programs being associated with events in the operation of the enterprise (par. 26), and make the usage information available to a compliance employee of the enterprise for analysis (par. 26).

Amended claim 31 is patentable for at least similar reasons to the ones discussed with respect to claim 25.

Regarding claim 32, Cunningham teaches a method (par. 7, lines 1-2) comprising:

enabling a user to author content about policies or programs of an enterprise that are to be implemented by a manager of the enterprise (par. 39), the content being associated with events in the operation of the enterprise (par. 25,26, and 55), the content for different events being authored and stored independently (par. 55), the content including original nouns or other words or phrases or descriptions that are used repeatedly and consistently (par. 44, department, job title, location and supervisor are used repeatedly and consistently), and

enabling the user to define substitute nouns to replace automatically all of the original nouns or other words or phrases or descriptions in all of the content for different events that is distributed to the manager through a user interface (par. 44,45, when an employee changes job, location, department, supervisor, etc., this change is inputted through the interface and replaces all instances).

Claim 32 has been amended to recite that the defined substitute nouns automatically replace in one step all of the repeatedly used prose for one or more of the events that are presented to the manager. This feature was not describe in and would not have been obvious what was described in Cunningham. Although Cunningham described updating personal database when needed (see, e.g., paragraph [0045]), Cunningham said nothing about substituting in one step repeatedly used original nouns or other words or phrases or descriptions in the content with defined substitute nouns.

Regarding claim 33, Cunningham teaches a method (par. 7, lines 1-2) comprising: displaying to a manager of an enterprise, information about policies or programs of an enterprise that are to be implemented by the manager of the enterprise (par. 25,26), enabling the manager to confirm electronically that he has read the displayed information (par. 26, 86-88), and delivering the electronic confirmation to a compliance employee of the enterprise for analysis (par. 26, 86-88).

Claim 33 is patentable for at least similar reasons to the ones discussed with respect to claim 25.

Claims 10-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loofbourrow et al. (US 6,505,183 B1) as applied to claim 1 above, further in view of Cunningham et al. (US 2007/0129953 A1).

Regarding claim 16, Loofbourrow teaches a method (par. 24, lines 1-2) comprising:

storing information about policies or programs of an enterprise that are associated with human resource events of employees who report to a manager and are to be implemented by the manager (col. 4, lines 47-57),

serving for display to the manager through a web browser (col. 4, lines 34-46), a portion of the information that has been selected based on a current context in which the manager is working (col. 4, lines 58-67, col. 5, lines 1-7, 44-50), and

the current context including at least one of: occurrence of one of the events, the manager's responsibilities, the manager's experience, and characteristics of the employees that report to the manager (col. 4, lines 47-57).

Loofbourrow does not teach:

the portion of the information being associated with an action to be taken by the manager, the information including at least one of descriptions of milestones associated with the action, descriptions of tasks that are part of the action, or information about employees who report to the manager, and

enabling the manager to control interactively which portion of the information is delivered and to indicate that he has read the portion.

Cunningham teaches:

the portion of the information being associated with an action to be taken by the manager, the information including at least one of descriptions of milestones associated with the action (par. 26), descriptions of tasks that are part of the action (par. 25), or information about employees who report to the manager, and

enabling the manager to control interactively which portion of the information is delivered and to indicate that he has read the portion of the information (par. 55, 58, and 86-88).

The inventions of Loofbourrow and Cunningham pertain to information management. All the claimed elements were known in the prior-art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Cunningham does not teach away from or contradict Loofbourrow, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Cunningham that the information strategy can be used with another information management system (par. 28) and that any type of data can be stored for use with the information management system (par. 31).

The applicant respectfully disagrees. Neither Loofbourrow nor Cunningham, described or would have made obvious "enabling the manager to control interactively which portion of the information [associated with an action to be taken by the manager and including at least one of milestone descriptions, tasks that are part of the action, or information about employees] is delivered and to indicate that he has read the portion of the information", as recited by claim 16.

Loofbourrow, as described above, delivers to a manager answers that are generated automatically based on the manager's questions. As conceded by the examiner, Loofbourrow did not describe and would not have made obvious "enabling the manager to control interactively

which portion of the information is delivered and to indicate that the manager has read the portion of the information”.

Cunningham, also described above, delivers flow objects to associated recipients. Although Cunningham's flow objects can identify next step objects that suggest actions to be taken by the recipients based on information about the recipients contained in a personal database, the recipients only take actions after receipt of the flow objects or next step objects (e.g., update the status of the task) but are not involved in controlling interactively which portion of the flow objects or next step objects (“information”) is delivered to them (see, e.g., *Id.*, paragraphs [0025] and [0086]-[0089]).

Even if there had been a reason to have combined what Loofbourrow and Cunningham described, the result would have been Loofbourrow's method of delivering answers to employees plus Cunningham's method of delivering flow objects to associated recipients, but not the method recited in claim 16. Therefore, claim 16 would not have been obvious from the combination.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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Please apply \$525 for the Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050, referencing attorney docket no. 12579-0006001.

Date: 9/16/8

Respectfully submitted,



David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

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